

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SIXTEENTH CONGRESS
First Regular Session

House Bill No. 194



INTRODUCED BY REPRESENTATIVE ARTHUR C. YAP

EXPLANATORY NOTE

The flooding of markets with “double dead” meat, or in the vernacular, “botcha”, has been a staple of news reports lately. This has raised a great level of concern as the adulterated meat poses unreasonable risk of injury and health hazards to the consuming public.

The National Meat Inspection Service (NMIS) and its deputized Local Government Unit (LGU) partners, while being very vigilant in inspecting, pursuing, apprehending and filing criminal cases against these unscrupulous “hot meat” vendors, dealers and importers complain of the lack of teeth of the existing law. Thus, there is no deterrent for this new brand of criminals.

The law in issue is Republic Act No. 9296 or the National Meat Inspection Code. And indeed, the said law is very weak in terms of penalties for violations of prohibited acts thereof.

Under Section 56 of said law, the Secretary of Agriculture is merely empowered to issue a schedule of administrative fines. R. A. 9296 does not provide for a schedule of criminal penalties.

Presently, the NMIS files criminal complaints, not for violation of R. A. 9296, but of Article 18 of R. A. 7394, also known as the Consumer Act. The said article prohibits the manufacture for sale, offer for sale, distribution in commerce or importation into the Philippines of any consumer product that is not in conformity with an applicable consumer product quality or safety standard.

However, the said law imposes a mere fine of not less than P1,000 but not more than P10,000. Depending on the discretion of the court, an imprisonment of not less than two months but not more than one year may also be imposed. Thus, usually, the persons charged plea guilty, in exchange for the imposition of the penalty of fine only and without imprisonment.

Moreover, the enumerated prohibited acts under R. A. 9296 are incomplete. Under Section 48 to 54, the prohibited acts are non compliance with requirements for slaughter of food animal, or meat or meat product preparation; sale and transport of carcasses or parts thereof, meat or meat product without prior inspection; illegal printing

of official marks; forging or counterfeiting of official certificates; absence of ante-mortem inspection; interference in the conduct of inspection; and, importation without veterinary quarantine clearance.

There is no specific prohibition for the sale, distribution, transport, storage of “hot meat” or adulterated meat and meat products.

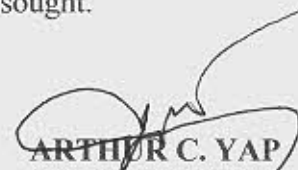
Finally, while R. A. 9296 prohibits the trading by the NMIS or deputized LGU meat inspectors of meat and meat products, there is no penalty if such persons conspire with the “hot meat” dealer in selling or distributing his meat products.

Under this measure, R. A. 9296 is sought to be amended as follows:

- As to the prohibited acts:
 - for the first offense to impose imprisonment of 6 months to 1 year, and/or fine from P10,000 to P50,000 and 30 day suspension of NMIS accreditation;
 - for the second offense, imprisonment of 1 year to 6 years, and/or fine from P50,000 to P100,000.00, and 60 day suspension of NMIS accreditation;
 - for the subsequent offenses, imprisonment from 6 to 12 years and/or fine from no P100,000 to P500,000 and permanent revocation of the NMIS accreditation;
- The act of selling, distributing, transporting and storing adulterated meat, meat products, carcasses, or parts thereof, shall be penalized with 6 to 12 years and/or fine from no P100,000 to P500,000 and permanent revocation of the NMIS accreditation;
- A person whose NMIS accreditation has been revoked shall not be allowed to be have new accreditation, whether under another name or as proprietor, partner, stockholder, officer or director of another entity;
- Any officer or employee of the NMIS, the deputized LGU, the Bureau of Customs or any other public official, found guilty of being in conspiracy with or abetting any person found guilty of violating any provision of this act, shall suffer the same criminal penalties as the said person.

In these trying economic times, when even small discounts for basic needs would entice consumers, even to the point of compromising their own health security, despicable traders of these “hot meat” would thrive. There is thus an impending need to stop them.

This draft measure would go a long way in deterring these criminals. It is in this view that the immediate passage of the bill is earnestly sought.


ARTHUR C. YAP
Representative

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SIXTEENTH CONGRESS
First Regular Session

House Bill No. 194

INTRODUCED BY REPRESENTATIVE ARTHUR C. YAP

AN ACT
PRESCRIBING HIGHER PENALTIES FOR THE SALE,
DISTRIBUTION, TRANSPORT AND STORAGE OF HOT MEAT,
AND OTHER ADULTERATED MEAT AND MEAT PRODUCTS,
CARCASSES OR PARTS THEREOF AND OTHER PROHIBITED
ACTS, AMENDING FOR THE PURPOSE PERTINENT SECTIONS
OF REPUBLIC ACT NO. 9296, OTHERWISE KNOWN AS THE
NATIONAL MEAT INSPECTION CODE, AND FOR OTHER
PURPOSES

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled.

1 **SECTION 1. *Short Title.*** – This Act shall be known as the “Anti Hot Meat Act
2 of 2013”.

3 **SECTION 2. *Declaration of Policy.*** – It is hereby declared the policy of the State
4 to impose higher penalties to deter the sale, distribution, transport and storage of hot meat
5 and other adulterated meat and meat products, and to provide utmost the protection for
6 the consuming public.

7 **SECTION 3. *Amendment of the National Meat Inspection Code.*** – Section 56
8 of Republic Act No. 9296, otherwise known as the National Meat Inspection Code, is
9 hereby amended to read as follows:

10 Penalties and Sanctions

11 **SECTION 56. *Administrative Fines AND CRIMINAL***
12 ***PENALTIES.*** — The Secretary, by way of regulation, shall issue a
13 schedule of administrative fines for violations of any provision of this Act.

1 IN ADDITION TO THE ADMINISTRATIVE FINES, ANY
2 PERSON FOUND GUILTY OF VIOLATING ANY OF THE
3 PROVISIONS OF THIS ACT SHALL BE PUNISHED WITH:

4 a. FOR THE FIRST OFFENSE, IMPRISONMENT RANGING
5 FROM SIX (6) MONTHS TO ONE (1) YEAR, OR FINE
6 RANGING FROM TEN THOUSAND PESOS (P10,000.00) TO
7 FIFTY THOUSAND PESOS (P50,000.00), OR BOTH, AT THE
8 DISCRETION OF THE COURT, AND SUSPENSION OF NMIS
9 ACCREDITATION FOR A PERIOD OF THIRTY (30) DAYS;

10 b. FOR THE SECOND OFFENSE, IMPRISONMENT RANGING
11 FROM ONE (1) YEAR AND ONE (1) DAY TO SIX (6) YEARS,
12 OR FINE RANGING FROM NO MORE THAN FIFTY
13 THOUSAND PESOS (P50,000.00) TO ONE HUNDRED
14 THOUSAND PESOS (P100,000.00), OR BOTH, AT THE
15 DISCRETION OF THE COURT, AND SUSPENSION OF NMIS
16 ACCREDITATION FOR A PERIOD OF SIX (6) MONTHS;

17 c. FOR THE THIRD AND SUBSEQUENT OFFENSES,
18 IMPRISONMENT RANGING FROM SIX (6) YEARS AND
19 ONE (1) DAY TO TWELVE (12) YEARS, OR FINE RANGING
20 FROM NO MORE THAN ONE HUNDRED THOUSAND
21 PESOS (P100,000.00) TO FIVE HUNDRED THOUSAND
22 PESOS (P500,000.00), OR BOTH, AT THE DISCRETION OF
23 THE COURT, AND PERMANENT REVOCATION OF THE
24 NMIS ACCREDITATION.

25 THE ACT OF SELLING, DISTRIBUTING, TRANSPORTING
26 AND STORING ADULTERATED MEAT, MEAT PRODUCTS,
27 CARCASSES, OR PARTS THEREOF, SHALL BE PENALIZED WITH
28 IMPRISONMENT RANGING FROM SIX (6) YEARS AND ONE (1)
29 DAY TO TWELVE (12) YEARS, OR FINE RANGING FROM NO

1 MORE THAN ONE HUNDRED THOUSAND PESOS (P100,000.00) TO
2 FIVE HUNDRED THOUSAND PESOS (P500,000.00), OR BOTH, AT
3 THE DISCRETION OF THE COURT, AND PERMANENT
4 REVOCATION OF THE NMIS ACCREDITATION

5 IF THE ESTABLISHMENT IS A JURIDICAL PERSON, THE
6 PENALTY OF IMPRISONMENT SHALL BE IMPOSED AGAINST
7 THE RESPONSIBLE OFFICER.

8 A PERSON, NATURAL OR JURIDICAL, OR A PROPRIETOR,
9 PARTNER, STOCKHOLDER, OFFICER OR DIRECTOR OF AN
10 ENTITY, WHOSE NMIS ACCREDITATION HAS BEEN REVOKED
11 UNDER PARAGRAPH C HEREOF, SHALL NOT BE ALLOWED TO
12 BE GRANTED A NEW NMIS ACCREDITATION, WHETHER UNDER
13 ANY OTHER NAME OR AS PROPRIETOR, PARTNER,
14 STOCKHOLDER, OFFICER OR DIRECTOR OF ANY OTHER
15 ENTITY.

16 IN ADDITION TO VIOLATION OF THE PROVISIONS OF
17 REPUBLIC ACT NO. 3019, OR THE ANTI GRAFT AND CORRUPT
18 PRACTICES ACT, AS AMENDED, AND OTHER RELATED LAWS,
19 ANY OFFICER OR EMPLOYEE OF THE NMIS, THE DEPUTIZED
20 LOCAL GOVERNMENT UNIT, THE BUREAU OF CUSTOMS OR
21 ANY OTHER PUBLIC OFFICIAL, FOUND GUILTY OF BEING IN
22 CONSPIRACY WITH OR ABETTING ANY PERSON FOUND
23 GUILTY OF VIOLATING ANY PROVISION OF THIS ACT, SHALL
24 SUFFER THE SAME CRIMINAL PENALTIES AS THE SAID
25 PERSON.

26 **SECTION 4. *Separability Clause.*** - If any provision of this Act, or any parts
27 thereof, is declared unconstitutional, the same shall not affect the validity and effectivity
28 of the other portions.

1 **SECTION 5. *Repealing Clause.*** - All laws, executive orders, presidential
2 decrees, proclamations, rules, regulations, issuances and enactments of parts thereof
3 inconsistent with this Act are hereby repealed or modified accordingly.

4 **SECTION 6. *Effectivity.*** - This Act shall take effect fifteen (15) days from its
5 complete publication in the Official Gazette or in a newspaper of general circulation in
6 the Philippines, whichever comes earlier.

APPROVED.